IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

* * * * *

C.W.P NO. 15845 OF 2006

Date of decision : September 29, 2006

* * * * *

Baldev Singh Jhajj .....Petitioner

Vs.

The Secretary to the Government of Punjab & ors. .....Respondents

* * * * *

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. A.R Takkar, Advocate for the petitioner(s).

* * * * *

Viney Mittal, J. (Oral)

Notice of motion to the respondents.

On the asking of the Court, Mr. Sukhdip Singh Brar, Additional Advocate General, Punjab accepts notice on behalf of the respondents.

Copy of the writ petition has been supplied to the learned counsel for the respondents.

The petitioner has approached this Court challenging the order dated December 14, 2004 (Annexure P-5) passed by the Additional Chief Administrator, PUDA, Mohali whereby the appeal filed by the petitioner

was dismissed, the order dated August 2, 2005 Annexure P-7 whereby the revision petition filed by the petitioner was dismissed by the revisional authority and the order dated May 23, 2006 (Annexure P-17) whereby the the review petition filed by the petitioner was also rejected by the revisional authority.

Without going into the detailed facts pleaded in the present petition, we take note of a contention raised by Sh. A.R Takkar, learned counsel for the petitioner. It has been argued by the learned counsel that in identical circumstances of same allottees, as is the controversy in the case of the petitioner, the requisite relief had been granted to the aforesaid allottees by the authorities but the claim of the petitioner was rejected by the appellate authority as well as the revisional authority. As a matter of fact when the factum of the grant of relief to the similarly situated persons came to the notice of the petitioner, he filed a review application before the revisional authority bringing to its notice all such orders in which relief had been granted to the allottees. However, the review petition filed by the petitioner has been rejected by the revisional authority vide order date May 23, 2006 (Annexure P-17) by holding that there was no power of review.

After taking into consideration the plea raised by the petitioner, but without commenting on the merits of the claim raised on his behalf, we find that if persons similarly situated had already been granted relief which has been claimed by the petitioner also, then it is only appropriate that the claim of the petitioner be reconsidered by the revisional authority.

In this view of the matter, we set aside the order dated May 23, 2006 (Annexure P-17) and direct the revisional authority to reconsider the review application filed by the petitioner on merits of the claim made by

him.

While reconsidering the claim, the revisional authority shall take into consideration the reliance placed by the petitioner on various orders passed qua other allottees in similar circumstances.

We further direct that the review petition filed by the petitioner shall be reconsidered on merits of the controversy and shall not be rejected on technical grounds. The parties through the learned counsel are directed to appear before the revisional authority on November 6, 2006 on 10:00 A.M.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

September 29, 2006
ritu

(H.S BHALLA)
JUDGE